

Background, Context, and Status of PPS Activities

In July, 2001 the SAB Executive Committee (EC) created Policies and Procedures Subcommittee (PPS), charging it to review issues of conflicts-of-interest (COIs) and balance-of-bias (BOB) that can affect the integrity and balance of SAB committees. The EC action was prompted by receipt of a critical report by the General Accounting Office (GAO) that capped a year-long investigation and raised concerns about then-current procedures for forming panels; e.g., methods for evaluating potential COIs of individual panelists, for judging BOB among panelists, and for providing opportunities for public insight on and input to the panel selection process. The PPS is composed of 8 members:

Dr. Henry Anderson, Chair	Dr. Donald Barnes
Dr. Linda Greer	Mr. Tom Miller
Dr. Philip Hopke	Dr. Angela Nugent
Dr. Raymond Loehr	Ms. Kathleen White

The EC Chair, Dr. Glaze, gave the following two-pronged Charge to the PPS:

1. Near-term: Review and modify, as appropriate, SAB policies and procedures used by SAB and Staff in the implementation of the GAO report, with a view to maintaining and enhancing the quality, credibility, and efficiency of the SAB.
2. Long-term: Recommend to the EC additional actions that the Board can take to address the concerns raised by the GAO and any other action that improve the products of the SAB and their usefulness to the Agency and the American public. This task should include explicit consideration of
 - 1) The transparency of the panel selection process.
 - 2) Decision-making regarding the balance-of-bias on panels.

As one of its first actions, the PPS sent an email to 24 individuals considered by the Subcommittee members as parties knowledgeable about and interested in the work of the SAB. The email requested their “constructive and practical suggestions” for how the SAB might better assure “scientific integrity, accountability, and transparency.” The PPS received 15 responses, which have informed the group's deliberations on the panel formation issue. The respondents also identified other potential issues for the attention of the PPS.

The PPS has held five conference calls. The SAB Staff Director judged that these meetings were not subject to requirements of the Federal Advisory Committee Act (FACA) since they were organization in nature, did not involve crafting advice for the Agency, and any outputs would be reviewed by the EC in public session. However, in response to public requests expressed at the November 28, 2001 meeting of the EC for information about the deliberations of the PPS, the meeting summaries and major work products of the PPS were mounted and are being maintained on the SAB website (URL: www.epa.gov) under the button for “Panel Topics”.

While the Subcommittee has been deliberating, the SAB Staff has implemented many components of the general approach through pilot efforts on various SAB projects. The Staff has reported these experiences to the PPS. The goal of the Staff is to implement a consistent process for all SAB activities in early 2002 and to communicate this process to the public.

The PPS has reached consensus on the overall panel selection process as depicted in the flow diagram and the accompanying commentary in the draft outline "manual" . They now seek EC reaction to this conceptual plan.

The PPS envisions that this new process will involve the collection and evaluation of information which is not currently gathered and considered in the currently-used Office of Government Ethics (OGE) Form 450 -- "Confidential Financial Disclosure Form" -- that is used by SAB Members and Consultants and by other Special Government Employees (SGEs) working with other Federal Advisory Committees. In its stead will be a version of a "Confidential Disclosure Form for Candidates for Advisory Panels at the U.S. Environmental Protection Agency Science Advisory Board (SAB)" a.k.a. the "Alternate-450 (A-450)". The SAB Staff Director and a representative of the Agency's Office of General Counsel (OGC) have been meeting with OGE staff to identify and resolve any potential issues associated with introduction of this form.

There is a range of views on PPS about the type, extent, and use of information that is being requested in A-450 Form. Specifically, the PPS seeks EC input on the following question:

Does the A-450 Form require a level and kind of information that will be perceived as overly broad and intrusive by members and impede the service of highly qualified individuals? Or will the burden to members be outweighed by the benefits gained in SAB Staff's meaningful evaluation of conflict of interest?

Background information that may be helpful: Comparison of Proposed Alternative 450 (A-450) Form with Other Information Collection Request Vehicles During FACA Expert Panel Development

In the process of conducting its work, the PPS has benefited from suggestions from outside parties about what else it might do to improve SAB operations. (Attached "Extract from Compilation of Responses to Request for Information from SAB Executive Committee Policies and Procedures Subcommittee on November 1, 2001") **The PPS welcomes EC input on the following question:**

Should the PPS proceed, and how should it proceed, to develop advice on longer-term issues and/or areas for improving SAB policies and procedures other than panel formation?